

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M. Rigdon Lentz

Serial No: 09/709,045

Art Unit: 1647

Filed: November 10, 2000

Examiner: L. Spector

For: *METHODS AND SYSTEM TO REMOVE CYTOKINE INHIBITOR IN PATIENTS*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER TWO ISSUED PATENTS
AND A PENDING SECOND APPLICATION**

Sir:

Petitioner, Biopheresis Technologies, LLC, is the owner of the entire interest in the above-identified application; U.S. Patent No. 6,620,382, issued on September 16, 2003; U.S. Patent No. 6,231,536, issued on May 15, 2001; and U.S.S.N. 09/699,003, as evidenced by the accompanying Statements Under 37 C.F.R. § 3.73(b). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,620,382, U.S. Patent No. 6,231,536, and U.S.S.N. 09/699,003. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,620,382, U.S. Patent No. 6,231,536, and U.S.S.N. 09/699,003 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

45051253v1

1

LEN 102
077829/00006

U.S.S.N. 09/709,045
Filed: November 10, 2000
**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER TWO ISSUED U.S. PATENTS
AND A PENDING SECOND APPLICATION**

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,620,382, U.S. Patent No. 6,231,536, and any patent granted on U.S.S.N. 09/699,003, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that U.S. Patent No. 6,620,382, U.S. Patent No. 6,231,536, or any patent granted on U.S.S.N. 09/699,003: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned (whose title is supplied below) is empowered to act on behalf of Biopheresis Technologies, LLC.

U.S.S.N. 09/709,045
Filed: November 10, 2000
**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER TWO ISSUED U.S. PATENTS
AND A PENDING SECOND APPLICATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

BIOPHERESIS TECHNOLOGIES, LLC

By: 

Name: Patrea L. Pabst, Reg. No. 31,284

Title: Attorney for Applicants

Date: October 6, 2004